

THE
MEMORIAL and PETITION
OF
SAMUEL LEE, SURGEON.

[Price ONE SHILLING.]

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A
MEMORIAL and PETITION

TO THE

KING'S MOST EXCELLENT MAJESTY,

On the PRINCIPLES of

Public Faith, Common Justice, and
His Own Royal Promise,

Delivered to the KING at ST. JAMES'S,

Thursday 24
On ~~Wednesday~~ the 23^d of January, 1771,

B Y

S A M U E L L E E,

Surgeon-General to the Army by the Appointment of his
late and present Majesty, and Surgeon to the Hospital for
the Relief of indigent sick Persons afflicted with Ruptures.

L O N D O N :

Printed for the A U T H O R ;

And sold by J. WILLIAMS, at No. 38, next the Mitre
Tavern, Fleet-Street.

MEMORIAL and PETITION

TO THE

King's Most Excellent Majesty,

On the Petition of

Public Law, County, and

His Own Right, Thomas

Delivered to the KING at the

On the day of January

S A M U E L J H E

Sheweth that the said Thomas

the said Thomas

I O N

Sheweth that the said Thomas

the said Thomas

MEMORIAL, &c.

TO THE

KING'S MOST EXCELLENT MAJESTY

*The Memorial and Petition of Samuel Lee,
one of the Corporation of Surgeons in London,
with all the humility which is due from a
free Subject to his lawful Sovereign, and
with a consciousness of acting on principles
of justice, both with regard to himself and
the public welfare, most humbly represent,*

THAT Ruptures having been too gene-
rally held incurable by the physicians
and surgeons of this kingdom, unhappy
persons labouring under this complaint were
heretofore deemed improper objects to be ad-
mitted

mitted into the various hospitals then instituted, and left to remain a miserable burthen to themselves, their families, or the respective parishes to which they belonged.

To remedy this evil, and afford all possible relief in a disease so general as well as grievous, your Petitioner applied himself to the discovery of a remedy for this complaint; and soon had the satisfaction to obtain a method of cure, the efficacy of which several successful experiments demonstrated. Notwithstanding which, some of your Majesty's serjeant-furgeons (Dr. Cockburne, late physician, and Mr. Allen, late surgeon, to the Royal Hospital at Greenwich) ever vigilant to oppose, so far defamed him as rendered it necessary for three several actions to be commenced; on the trial of which, many gentlemen of family and fortune, merchants, tradesmen, and pensioners from both the Royal Hospitals, fully proving they were perfectly cured, verdicts with considerable damages were recovered in the court of Common-Pleas, against Mess. Ranby, Cockburne, and Allen, for opposing your Petitioner, and publicly declaring, before the then lords of the Admiralty, and others, "That no man could be cured of a Rupture."

On this sanction, and ocular proof being given to some of the first people in this kingdom that a grown person could be cured, even
to

to eighty years of age and upwards, several noblemen and others, prompted by humanity and a charitable concern for the calamities of their fellow-creatures, generously entered into an annual subscription for the support of an hospital to be dedicated solely to the cure of indigent sick persons of either sex afflicted with Ruptures ; and in order to carry this charitable design into execution, a general meeting of the subscribers was held, when the following noblemen and others were nominated directors of the charity :

The Right Hon. Earl of Halifax, President ;
 Right Hon. Geo. Dodington, Vice-President ;
 John Tucker, Esq. Treasurer ;
 Samuel Lee, Surgeon ;

and the following lords and gentlemen were chosen of the committee :

Earl of Buckinghamshire, Earl of Home, Lord Viscount Barrington, Lord Viscount Ligonier, Sir Francis Dashwood, Bart. Sir Walter Blackett, Bart. Sir George Dalston, Bart. Sir George Yonge, Bart. the Hon. Col. Johnston, the Hon. John Ward, the Right Hon. Hans Stanley, James Bonnell, Esq. Tho. Cotton, Esq. John Milles, Esq. Henry Brouncker, Esq. Paul Whitehead, Esq. John Smith, Esq. Andrew Jelfe, Esq. Michael Thirkle, Esq. and Edward Smith, Esq.

The hospital being thus established, several meetings of the subscribers were held, and rules formed for its good government, with proper allowance for house-rent, nurses, coals, candles, &c. soon after which, Lord Ligonier, being commander in chief, and having some personal knowledge of your Petitioner's abilities, issued the following order :

“ July 27, 1757.

“ AN hospital being established by subscrip-
 “ tion, under the direction of Mr. Samuel Lee,
 “ Surgeon, and situated near Westminster-
 “ Bridge, for the reception and cure of persons
 “ afflicted with Ruptures, the regiments are to
 “ be acquainted, if they have any men in that
 “ condition, Mr. Lee will receive them in the
 “ said hospital; provided they come with a cer-
 “ tificate, signed by the commanding officer
 “ and surgeon of the regiment, that they are
 “ unfit for service by occasion of a Rupture,
 “ and when they return from the said hospital
 “ to their regiments again fit for service, the
 “ said Mr. Lee shall be paid Two Guineas by
 “ the commanding officer of the regiment to
 “ whom the man so rendered unfit for service
 “ shall belong.”

In consequence of this order, many soldiers were sent for relief, and, after they were cured, the following certificate was granted :

“ December

“ December 15, 1757.

“ IN consequence of an order of the Right
 “ Hon. Lord Ligonier, commander in chief of
 “ all his majesty’s forces, the several men under-
 “ named were put under the care of Mr. Lee,
 “ of Arundel-Street, Surgeon, for the cure of
 “ their Ruptures, which rendered them incapa-
 “ ble of doing their duty, as certified by their
 “ respective surgeons and commanding officers;
 “ viz.

	aged	ruptured
“ Joseph Beckett,	26 years,	20 years.
“ John Abraham,	29	5 years.
“ Richard Courey,	30	6 months.
“ John Holland,	23	5 years,
“ Will. Towell,	23	1 year.
“ Ralph Pearson,	26	born so.
“ Rich. Wood,	20	20 years.
“ James Winwood,	40	20 years.
“ Rob. Bromwell,	34	1 year.
“ John Eley,	40	30 years.

“ The men above-named were this day exa-
 “ mined in our presence, and found perfectly
 “ fit to be returned into his majesty’s service.

“ There were several others attending that
 “ were put under Mr. Lee’s care about the
 “ same time, which we did not think necessary
 “ to examine; but from those already exa-
 “ mined,

“ mined, and from many more instances of the
 “ like nature, some proved in courts of justice,
 “ and some examined before several of us, we
 “ are of opinion that application be made to
 “ government, that a proper establishment may
 “ be formed to communicate this benefit to
 “ the whole army, under such regulations, and
 “ subject to such checks, as may effectually
 “ prevent any imposition on the patient or the
 “ public.

“ DUNK HALIFAX.

“ LIGONIER.

“ GEORGE DODINGTON.

“ JAMES JOHNSTON.

“ JOHN TUCKER.

“ THOMAS THOMPSON.”

This being communicated to many of the subscribers, and that your Petitioner intended to admit the soldiers, they declared their intention was to support an hospital for the relief of indigent persons, and not for the army, so capable of providing for themselves; in consequence of which, and soldiers being admitted, all meetings of the subscribers dropped; but not before Lord Ligonier had, with the approbation, consent, and direction of his late Majesty, agreed with your Petitioner, that he should have 200 l. a-year for his life, and Two Guineas for every man returned serviceable to the army, in consideration and on condition of his admitting

mitting to the said hospital all such ruptured soldiers as should from time to time be sent thither.

The agreement being thus made between the crown, the commander in chief, and your Petitioner, the following warrant was made out at the War-Office, and signed by his late Majesty, for the payment of 200 l. a year.

“ GEORGE R.

“ W H E R E A S it hath been represented
 “ unto Us, that an Hospital is established for the
 “ cure of indigent sick persons afflicted with
 “ Ruptures, under the direction of Samuel Lee,
 “ Surgeon, and the said Samuel Lee having,
 “ since the establishment of the said Hospital
 “ (which is the only one of its kind), received
 “ into the same, and taken under his care, such
 “ ruptured soldiers from Our several regiments
 “ as have been sent thither, and having also
 “ proposed to admit, as patients, all such ruptured soldiers as may, from time to time,
 “ be sent thither, at an allowance of 200 l.
 “ a-year: And whereas We have been
 “ credibly informed, that many of Our
 “ soldiers have been cured, so as to return to
 “ their respective regiments, and do duty
 “ therein; by which great benefit has arisen
 “ to the public and Our service, and a saving
 “ has been made to the out-pension of Chelsea-
 “ Hospital:

“ Hospital: And We, taking the premises into
 “ Our consideration, have approved of the pro-
 “ posal made by the said Samuel Lee, and
 “ thinking an allowance of 200 l. a-year rea-
 “ sonable, are graciously pleased to consent to
 “ his being paid the same. Our will and plea-
 “ sure, therefore, is, and We hereby direct,
 “ that out of such monies as are in, or shall
 “ come to your hands, for the contingent uses
 “ of Our land-forces, you pay unto the said
 “ Samuel Lee, Surgeon, the sum of 200 l. with-
 “ out deduction, which We are graciously
 “ pleased to grant him, in consideration and
 “ on condition of his having received and ad-
 “ mitted into the Hospital such soldiers of Our
 “ army as have been afflicted with Ruptures,
 “ and also in consideration and on condi-
 “ tion of his continuing to receive and cure
 “ such soldiers, from Our several regiments, as
 “ shall from time to time be sent to the said
 “ Hospital during this current year 1758; and
 “ for so doing, this, with the acquittance of the
 “ said Samuel Lee, or his assigns, shall be your
 “ warrant and discharge. Given at Our court
 “ at St. James’s, the 25th day of March, 1758.

“ By his Majesty’s command,

“ BARRINGTON.

“ To our trusty and well-beloved counsellor,
 “ Henry Fox, paymaster-general of Our
 “ guards, garrisons, and land-forces.

“ We

“ We have been made acquainted with the
 “ foregoing warrant. Whitehall, Treasury-
 “ Chambers, 31st day of January, 1759.

“ HOLLES NEWCASTLE.

“ S. NUGENT.

“ BESBOROUGH.”

The Hospital being thus established as a military one, the following order was issued on the 5th of April, 1758 :

“ ORDERED by field-marshal Lord vis-
 “ count Ligonier, that a serjeant from the foot-
 “ guards is daily to attend at Mr. Lee’s Hos-
 “ pital for Ruptured Men, near the Bridge-
 “ foot, in Lambeth, from nine o’clock in the
 “ morning until he is dismissed by Mr. Lee,
 “ from whom he is to receive a list of the pa-
 “ tients, with the places of their abode ; and
 “ when any of them neglect attending, he is
 “ to go to them to know the cause of such neg-
 “ lect ; and if they can give no sufficient rea-
 “ son for it, he is to confine them in the Savoy.
 “ And if any of the patients are guilty of any
 “ irregular or indecent behaviour, he is like-
 “ wise to confine them ; and he will observe all
 “ orders he shall receive from Mr. Lee. He is
 “ daily to report to the officer commanding
 “ Tilt-Yard-guard, mentioning the names of
 “ all the men confined by him ; and the officer
 C “ com-

“ commanding Tilt-Yard-guard is to report it
“ to the adjutant-general.

“ The serjeant ordered on this duty is to re-
“ lieve weekly.

“ The first regiment finds for this duty to-
“ morrow.”

After this, that your Petitioner might be paid two guineas for each man returned serviceable, besides the two hundred pounds a year, according to the agreement, Lord Ligonier gave the following order :

“ Dec. 6, 1758.

“ ORDERED,

“ AS the King has been pleased to ap-
“ point Mr. Samuel Lee, of Arundel-Street,
“ Surgeon, to take care of all such private
“ men and non-commissioned officers in the
“ army, as now are, or hereafter shall be, af-
“ flicted with a Rupture, that the surgeon of
“ every regiment do, for the more speedy re-
“ lief of such objects, and for the benefit of
“ the service, examine, or cause to be examined
“ by some proper person, four times every
“ year, viz. in the first week after Christmas-
“ day, Lady-day, Midsummer, and Michael-
“ mas, each man belonging to his respective
“ regiment, in order for such as shall be rup-
“ tured to be sent to the said Mr. Lee for re-
“ lief;

“ lief ; and at the time any man shall be sent
 “ from the regiment, the commanding officer
 “ at the place where the man is quartered is
 “ to send with him a letter to Mr. Lee, in the
 “ following form :

“ S I R,
 “ PLEASE to admit the bearer
 “ into your hospital, for the cure of
 “ a Rupture, with which he is afflicted, and
 “ thereby rendered incapable of duty ; and
 “ when he is cured, you shall be paid Two Gui-
 “ neas by the agent of the regiment for the
 “ same.

“ I am, &c.

“ To Mr. Samuel Lee, Surgeon, in Arundel-
 “ Street, London.”

From this time soldiers were sent according to Lord Ligonier's order, and the two guineas per man, and two hundred pounds a-year were constantly paid until his late Majesty's death ; when many inconveniences being found to attend proper returns being made for the payment of such soldiers as had been sent from and returned cured to Germany, and other places, your Petitioner proposed to Lord Ligonier to relinquish the two guineas per man, in consideration and on condition of his pension being augmented to three hundred

pounds a-year for his life ; which proposal his Lordship carried to your Majesty, and with your royal approbation agreed with him for that sum, signified the same to the War-Office, and then issued the following order to the regiments.

“ January 26, 1762.

“ ORDERED,

“ AS the King has been pleased to make an
“ addition to the salary of Mr. Samuel Lee, as
“ surgeon to the army, for the relief of all
“ such ruptured soldiers as now are, or here-
“ after may be, afflicted with that disorder, as
“ soon as they are recovered fit for duty, he is
“ to return them to their respective corps,
“ without any fee or reward whatever from the
“ regiments to which they belong ; and for the
“ future, soldiers are to be sent to him with a
“ letter, in the form following :

“ S I R,

“ PLEASE to admit into your Hospital
“ A——— B———, of regi-
“ ment, and company, who is af-
“ flicted with a Rupture ; and when he is fit
“ for service to return him to his corps.

“ I am, &c.

“ To Mr. Samuel Lee, Surgeon, in Arun-
“ del-Street, London.”

Soldiers

Soldiers being now to be returned without any fee or reward, instead of two guineas paid for each man rendered serviceable, your Petitioner, some time after, applied to the Rt. Hon. W. Ellis, secretary at war, for the warrant due for his care of the ruptured soldiers in the year 1762 ; but Mr. Ellis having been but a short time in the office, and not rightly understanding what the agreement was, or whether your Petitioner ought to have the three hundred pounds a-year or not, Lord Ligonier signified to him, by letter *, that the agreement was three hundred pounds a-year for life, and that he ought to be paid the same ; in consequence of which, the following warrant was made out, and signed by your Majesty.

“ GEORGE R.

“ WHEREAS it hath been represented
 “ unto Us, that an Hospital is established for
 “ the cure of indigent sick persons afflicted with
 “ Ruptures, under the direction of Samuel
 “ Lee, Surgeon ; and the said Samuel Lee
 “ having, since the establishment of the said
 “ Hospital, which is the only one of its kind,
 “ received into the same, and taken under his
 “ care such ruptured soldiers from Our several
 “ regiments as have been sent thither, and hav-
 “ ing also *proposed to admit, as patients, all such*

* This letter was proved on the trial against Lord Ligonier.

“ *ruptured*

“ ruptured soldiers as shall, from time to time, be
 “ sent thither, at an allowance of three hundred
 “ pounds a-year, which allowance is now granted
 “ to him, upon express condition that he shall not
 “ make any demand upon the regiments to which
 “ the said ruptured men shall belong, nor demand
 “ or take of the said men any consideration or re-
 “ ward whatever: And it having been reported
 “ unto Us, by Our right trusty and well-be-
 “ loved counsellor John Lord-viscount Ligo-
 “ nier, field-marshal of Our forces, that many
 “ of Our soldiers have been cured, so as to re-
 “ turn to their respective corps, and do duty
 “ therein, by which great benefit has arisen to
 “ the public and Our service, and a saving has
 “ been made to the out-pension of Chelsea-Hospi-
 “ tal: And We taking the premises into considera-
 “ tion, have approved of the proposal made by him
 “ the said Samuel Lee, and thinking an allowance
 “ of three hundred pounds a-year reasonable, are
 “ graciously pleased to consent to his being paid the
 “ same; Our will and pleasure therefore is,
 “ and We hereby direct, that out of such mo-
 “ nies as are in or shall come to your hands,
 “ for the contingent uses of Our land-forces,
 “ you pay unto the said Samuel Lee, Surgeon,
 “ the sum of three hundred pounds without
 “ deduction, which We are graciously pleased
 “ to grant him, in consideration of his having
 “ received and admitted into the said Hospital
 “ such

“ such soldiers of Our army as have been af-
 “ flicted with Ruptures during the course of
 “ the year 1762 ; and for so doing, this, with
 “ the acquittance of the said Samuel Lee, or
 “ his assigns, shall be your warrant and dis-
 “ charge. Given at Our court at St. James’s,
 “ this 24th of August, 1763, in the third year
 “ of Our reign.

“ By his Majesty’s command,

“ W. ELLIS.

“ To Our right trusty and well-beloved
 “ counsellor Henry Lord Holland, pay-
 “ master-general of Our guards, garri-
 “ sons, and land-forces.

“ We have been made acquainted with the
 “ aforesaid warrant. Whitehall, Treasury-Cham-
 “ bers, the 21st day of September, 1763.

“ GEORGE GRENVILLE.

“ NORTH.

“ THOMAS ORBY HUNTER.”

Though the great benefit that has arisen to
 the public and the service plainly appears by
 this warrant under your Majesty’s own hand,
 that a report has been made to your Majesty
 by Lord Ligonier, and that, taking the pre-
 mises into your royal consideration, you are
 graciously pleased to approve of the proposal
 made, to think the allowance of three hundred
 pounds

pounds a-year reasonable, to grant your Petitioner that sum, and consent to his being paid the same; yet, as the words *from time to time*, instead of the word *life*, were inserted in the warrant, and your Petitioner, on enquiring the reason thereof, was informed that the words *for life* could not, with propriety, be inserted in any warrant directing money to be paid out of the contingencies of the army annually voted, he desired, for fear any future secretary at war should have any doubt whether the agreement was for life or not, to have some voucher under Lord Ligonier's own hand as to that particular, which he was pleased immediately to grant; and that there never might be any difficulty in obtaining, at the War-Office, the annual warrants as they became due, and that your Petitioner should have it always in his own power to shew any secretary at war in what manner, and for what reasons, the pension of three hundred pounds a-year was granted to him by your Majesty for his life, and that he ought to be paid the same, his Lordship lodged in his hands the following letter, directed

* “ To the Right Hon. Welbore Ellis, or any
 “ other his Majesty's secretary at war
 “ for the time being.

* This letter was proved on the trial against Lord Ligonier.
 “ North-

“ North Audley-Street, October 14, 1763.

“ SIR,

“ AS Mr. Lee has desired me to inform you,
“ or any other his Majesty's secretary at war
“ for the time being, in what manner his pen-
“ sion was granted :

“ It was, he should have two hundred poun's
“ *per annum* for his life, in consideration and
“ on condition of his receiving into his Hospi-
“ tal and relieving such ruptured soldiers as
“ should, from time to time, be sent thither ;
“ and he was also to receive from the regiments
“ Two Guineas for every recovered man ; but
“ this method of Two Guineas being paid be-
“ ing found impracticable, by the dispersion of
“ the troops, and the refusal of the surgeons to
“ give certificates of cure, it was proposed by Mr.
“ Lee and agreed, he should not claim any re-
“ ward from the regiments, and that his salary
“ should be augmented to three hundred
“ pounds *per annum* for his life, and every
“ man who had been in his hands and re-
“ mained in the corps able to serve, should be
“ reputed cured ; and as several officers from
“ different regiments have certified that many
“ men of their corps have been rendered ser-
“ viceable, and done their duty in their respec-
“ tive regiments after they have been relieved
“ by Mr. Lee, and many men of my regiment
“ are well, and now serving in the regiment ;

D

“ I think

“ I think the saving so many men deserves en-
 “ couragement, and that he ought to have the
 “ three hundred pounds *per annum* for life ;
 “ and as his Majesty signed the warrant for
 “ three hundred pounds *per annum*, on the
 “ 24th of August last, I hope you will give
 “ directions for his warrants being made out
 “ accordingly, and which I doubt not you will
 “ continue to lay before his Majesty for the
 “ benefit of poor soldiers.

“ LIGONIER.”

After this, the warrants for your Petitioner's care of the ruptured soldiers in the years 1763 and 1764, were made out in the same form as that for the year 1762, and signed by your Majesty.

Your Petitioner, therefore, looking on these facts as binding and secure as any contract that could be made ; in the year 1766 applied to Lord Barrington, then secretary at war, in the room of Mr. Ellis, and desired that the warrant, due to him for his care of the ruptured soldiers in the year 1765, might be made out ; which after repeated solicitations being done, he received the following letter from his Lordship :

“ War Office, November 19, 1766.

“ SIR,

“ IN answer to your several applications to
 “ me, I am now to acquaint you that the King
 “ has

“ has been pleased to sign another warrant for
 “ three hundred pounds, as a consideration
 “ for your trouble and expence in curing rup-
 “ tured soldiers in the course of last year ; but
 “ I am at the same time expressly to repeat
 “ what I said to you last Christmas, that this is
 “ the last warrant will ever be granted to you
 “ on this account.

“ I am, Sir,

“ Your most humble servant,

“ BARRINGTON.”

Immediately after this, your Petitioner went to the War-Office, and there saw a warrant signed by your Majesty according to the purport of Lord Barrington's letter, which being totally inconsistent with the agreement made, he refused to accept it, and acquainted Lord Ligonier therewith, who not only approved of his conduct, but advised him to send a petition to Lord Granby, stating these facts, and requesting that his Lordship, as commander in chief, would be pleased to represent the same to your Majesty.

The royal answer to which was, as your Petitioner was informed by Lord Granby,

THAT YOU COULD GIVE NO DIRECTIONS
 ABOUT AN AFFAIR THAT YOU DID NOT
 RIGHTLY UNDERSTAND.

Your Petitioner, therefore, by Lord Ligonier's advice, wrote again to Lord Barrington, and sent him a copy of your Majesty's warrants and Lord Ligonier's vouchers ; at the same time requesting that the warrants might be made out for the money due ; but in answer received the following very extraordinary letter.

“ War-Office, March 27, 1769.

“ SIR,

“ I have received your letter of the 21st
 “ instant, and the papers therewith inclosed.
 “ Without entering into a detail of the business to which they relate, it is sufficient that
 “ I inform you, I never had the least idea of
 “ your being paid an annuity for life, as appears by my warrants ; that Mr. Ellis never
 “ had any such idea appears by his ; that the
 “ commander in chief has no business with, or
 “ authority in transactions which relate to
 “ public money ; and that I do not think proper to advise the King to allow any thing
 “ further on account of ruptured soldiers. The
 “ annual warrants you have formerly had were
 “ annual subscriptions, like those of individuals,
 “ revocable at pleasure.

“ I am, Sir,

“ Your most obedient,

“ and most humble Servant,

“ BARRINGTON.”

This

This letter being shewn to Lord Ligonier, he said, as I now find Lord Barrington does not think proper to advise the King to allow the sum agreed for, or even what under his own royal hand he has graciously promised to grant, so I presume by his ideas, he would willingly over-rule my authorities as commander in chief, not liking to believe what he sees with his own eyes, either the King's word in his warrants, or my repeated letters to the War-Office, and orders to the army.—His Lordship then desired a copy of Lord Barrington's letter might be sent to Lord Granby; and said, whatever Lord Barrington's ideas are, he is constitutionally no more than first clerk or secretary to the commander in chief; it being inserted in his appointment as secretary at war, that he shall obey all such orders as he shall, from time to time, receive from the king, or his commander in chief for the time being; consequently, said Lord Ligonier, it was his duty, on sight of my vouchers, to have made out the warrants for the money due instead of writing such a letter; for if it once becomes an established rule, that a secretary at war is to controul the actions of a commander in chief, instead of making out warrants for money due in consequence of bargains made, it will be the business of the public to make agreements for the benefit

benefit of the army with the secretary at war, not the commander in chief, who, by that means, will be reduced to a mere cypher, and his own secretary act as supreme. — But Lord Ligonier now thinking all kind of application in vain, advised your Petitioner to take every step the law would authorize for the recovery of his property, saying, that he himself would at all times be ready to prove in an open court of justice what he had so often vouched under his own hand, that the agreement was three hundred pounds a-year for life, nay, even that your Majesty granted him that sum.

Thus circumstanced, your Majesty's Petitioner laid his case before Sir Fletcher Norton, now speaker to the House of Commons, and Mr. Serjeant Glynn, who gave their opinions thereon; Sir Fletcher's a verbal one, but Mr. Serjeant Glynn's in these words: " Mr. Lee
 " having provided a house and proper accom-
 " modations for ruptured persons, a counter-
 " mandable warrant for the payment of two or
 " three hundred pounds a-year cannot be con-
 " sidered as a compensation for the expence of
 " such an undertaking; I should therefore have
 " no doubt upon the circumstances of the case,
 " exclusive of the express evidence of Lord
 " Ligonier's letters, that it was intended an
 " annuity for life, but no act has been done
 " that can bind the crown; his remedy must
 " therefore

“ therefore be against him that he negotiated
“ with, Lord Ligonier.

“ J. GLYNN.”

But Sir Fletcher was not so clear as to its being such an agreement as could, consistent with the strict rules of common law, be recovered in a court of justice, but said it was well worth trying for ; for if it was not binding in that way, the sum agreed for ought most certainly to be paid on the principles of public faith, because if such bargains were to be set aside the King's business could not go on.

These opinions your Petitioner laid before Lord Ligonier, who sent them to the War-Office, and desired that the case, to avoid all law, might, by means of your Majesty, be referred to the attorney-general ; which being refused by Lord Barrington, Lord Ligonier advised your Petitioner to apply once more to Lord Granby, which he did, briefly stated these facts in his petition, and with it Lord Ligonier sent the following letter to Lord Granby.

“ North Audley-Street, Feb. 10, 1769.

“ My dear Lord,

“ SIR Fletcher Norton's opinion in regard
“ to Mr. Lee's affair, has been laid before me
“ this morning. In justice to Mr. Lee, I must
“ say that the pension of three hundred pounds
“ a-year

“ a-year was granted to him by his Majesty for
 “ life, and my letters to the secretary at war ex-
 “ plain that.

“ I have the honour to be,

“ My dear Lord,

“ Your most obedient humble servant,

“ LIGONIER.”

“ To the Right Hon. the Marquis of Granby.

In answer to this, your Petitioner was informed, as Lord Granby had before spoke to your Majesty on this subject he could do no more in it.

Lord Ligonier therefore seeing no redress could be obtained by any kind of application, nobly consented to an action being brought against himself, which your Petitioner undertook to do, but not without first offering his Lordship a general release; well knowing that though the agreement was made with him on behalf of the crown, he could never mean to pledge himself for the payment of the sum agreed for so as to affect his own private fortune.

The action was therefore brought to try the security of people in common law making agreements with the chief of any department on the principles of public faith; and whether the person thus agreeing on behalf of the crown could be so far rendered liable as to stand in the place of your Majesty?

But

But no sooner was Lord Ligonier served with the necessary process of the court than he sent it to the War Office, and in answer was told, that the solicitor to the Treasury should be ordered to defend it; he was accordingly employed, but not by Lord Ligonier, for he was too noble and too just to deny the fact.

But Lord Barrington still refusing to make out the warrants for the money due, the case was at last laid before Mr. De Grey, your Majesty's attorney-general, who gave his opinion thereon to this purport:

“ That your Petitioner could not in that action recover a compensation for an annuity for his life upon the evidence then stated; but as long as the contract and service did continue and was in use, he was entitled to the stipulated price; and that for as many years as any one man was sent to the hospital and received, he ought to be allowed the 300 l. a-year.”

But Lord Barrington being no more content with this opinion than the words in your Majesty's warrants or Lord Ligonier's vouchers, no money was paid into court; and the cause came on to be heard in your Majesty's court of Common Pleas the sittings after Michaelmas-term 1769, when it was fully proved under Lord Ligonier's hand in his letters to your Majesty's secretary at war, that the agreement was three hundred pounds a-year for life.

E

But

But your Majesty's council urging that there was no pretence for a personal contract, that it was not a matter of fact, but a point of law to be tried, and that as soon as your Petitioner accepted payment from your Majesty, Lord Ligonier was discharged; it was agreed, on account of *this quirk of law*, to take a verdict by consent for one guinea damages and costs, and also to accept the warrant for three hundred pounds, so as aforesaid made out at the War-Office for the care of ruptured soldiers in the year 1765, in full satisfaction of any demand he might have against Lord Ligonier or against Government to that time.

The principal motive of which was, that it was never his intention to make Lord Ligonier liable so as to affect his private fortune, and against Government he never could have any legal demand; so that his just and equitable claim against your Majesty, on the principles of public faith, now remains just the same as if the cause against Lord Ligonier had never been tried, and that for your royal grant in consequence of the proposal made as certified under your own hand and Lord Ligonier's as commander in chief.

However, the cost and damage so recovered against Lord Ligonier your Petitioner received at the War-Office, and signed a receipt wrote by Mr. Francis, first clerk, in the following words:
 War-Office,

War-Office, May 27, 1770.

RECEIVED of Lord-Viscount Barrington, secretary at war, by the hands of Mr. Philip Francis, the sum of eighty pounds five shillings.

SAMUEL LEE.

By this it is evident some of the debt, due in consequence of a bargain made with the commander in chief, was paid with public money.

But on whom a legal claim can be made, or from whom the full sum due on such agreements can be obtained, every future contractor will most undoubtedly for his own security be glad to understand; lest, by the determined resolution of one man, another so contracting should be inevitably ruined, not knowing where to apply for redress.

A CIRCUMSTANCE AT THIS JUNCTURE WELL WORTHY THE ROYAL CONSIDERATION.

But thus ended the action between Lord Ligonier and your Majesty's Petitioner; and as Lord Barrington from every circumstance appears to have been materially concerned, it may possibly be deemed an affront to his Lordship's sincerity, not to state by way of contrast what he has done for as well as against your Petitioner :

E 2

He

He therefore most humbly sets forth,

THAT so long ago as the year 1752 he was employed by the then lords commissioners of the Admiralty to take care of the ruptured pensioners in the royal hospital at Greenwich ; and that the several men under-named were selected by the physician and surgeon of the hospital, and put under his care by way of experiment ; viz,

	aged	ruptured	on
Roger Farrow,	76 years,	22 years,	right side
Roger Gupton,	73	16	both sides
Gab. Prideaux,	55	16	both sides
James Gaustich,	59	7	both sides
Henry Nickols,	74	4	both sides
Andr. M'Kenzie,	58	5	both sides
Richard Taylor,	73	26	left side
George Dicks,	78	16	left side
Matt. Jackson,	87	9	both sides

Tho' all these men had been in the hospital, and had often used the inadequate remedy of a steel truss, yet they never had any relief ; and consequently suffered for many years frequent pains, sickness, difficulty in making water, cholics, &c. as is usual to those who are unhappily ruptured. — But being perfectly relieved of all these complaints by your Petitioner, he made a report thereof to the then lords-commissioners

missioners of the Admiralty, which was soon after contradicted by a counter-report from the physician and surgeon of the hospital ; on which account, Lord Barrington (being then one of the lords of the Admiralty) prevailed on the other lords of that board to go down with him to Greenwich to enquire into the truth of this matter ; and the commissioners of sick and wounded, the surgeons of your Majesty's yards, the physician and surgeon of the royal hospital, Dr. Thompson, late physician to your Majesty, and Mr. Mitchell, surgeon to the royal regiments of horse-guards, being ordered to attend, Lord Barrington was deputed by the rest of their lordships to examine, and in consequence thereof the following certificate was granted :

“ WE the under-named do certify, that we
 “ have this day examined nine pensioners of
 “ Greenwich-Hospital, who were all afflicted
 “ with Ruptures, and have been under Mr.
 “ Lee's care for that complaint ; they are all
 “ old, the youngest being about fifty, and one
 “ of them is eighty-seven ; they have not at
 “ present any appearance of being ruptured,
 “ but they have not been trusted without their
 “ bandages ; they all declare themselves to be free
 “ from their former pains, and that their ban-
 “ dages

“ dages are no trouble to them. Witness our
 “ hands this 26th day of March, 1752.

“ D. COCKBURNE.

“ THO. THOMPSON.

“ J. RIDER.

“ DAVID HUNTER.

“ JEFF. SAUL.

“ WM. MITCHELL.

“ Signed before us who were likewise pre-
 “ sent at the examination.

“ BARRINGTON.

“ THO. VILLIERS.

“ WM. BELL.

“ NATH. HILL.”

After this, there were many examinations in the
 presence of Lord Barrington of such pensioners of
 the royal hospitals of Greenwich and Chelsea as
 had been under your Petitioner's care; and which,
 by means of Sir J. Ligonier, was afterwards car-
 ried into St. James's Palace, even into the apart-
 ments of his late Royal Highness the Duke of
 Cumberland, concerning which some of the
 most audacious falsehoods being propagated,
 Mr. Dodington wrote the following letter to
 Sir John (afterwards Lord) Ligonier :

“ Hammersmith,

“ HammerSmith, April 22, 1752.

“ DEAR SIR,

“ Mr. Lee, the bearer, having, to the evidence
 “ of my own eyes, and those of several gentlemen
 “ of much greater consequence, improved the
 “ branch of surgery relating to Ruptures (hitherto
 “ either shamefully unknown or shamefully neg-
 “ lected) almost to a certainty, and my physician,
 “ upon careful examination and inspection of his
 “ method of cure, having assured me that it is
 “ free from all quackery, and according to the
 “ rules of art, I have taken him under my
 “ poor protection, in order to spread this bene-
 “ fit among mankind as far as I can, which the
 “ physical body both in and out of the colleges
 “ of Chelsea and Greenwich are endeavouring
 “ to stifle and suppress, by all means of all
 “ kinds they can invent.

“ You love the army or you would be very
 “ ungrateful; you know how many fine men it
 “ loses by this complaint, how much it costs
 “ the hospitals to keep them, how much it costs
 “ the regiments to recruit them; I need not
 “ add how much the humanity would be, as well
 “ as the saving of the men, if the expence could
 “ be saved to the public, all or great part of which
 “ I trust may be done by this man's abilities and
 “ integrity, forwarded by your protection when
 “ you find he deserves it. He has had a man
 “ with him, Robert Oxlade, of your regiment,
 “ which

“ which I am glad of, as I make no doubt but
“ he will cure him.

“ This affair is of such infinite consequence
“ to the army in particular, that I beg to have
“ the honour of talking with you about it ; I
“ do not mean to give you the trouble of com-
“ ing hither, but will come to town and wait
“ upon you at your own house any morning this
“ week or next that you please to appoint me,
“ or at any other place that may be more con-
“ venient to you.

“ I am, with the most affectionate respect,

“ DEAR SIR,

“ Your most faithful humble servant,

“ GEORGE DODINGTON.”

In consequence of this, the affair was fully considered. But many unfair practices being soon after made use of on the pensioners of Greenwich-Hospital by Dr. Cockburne and others, and several reflections being cast by Mr. Jarvis, auditor to the hospital, on Lord Barrington and the Admiralty-board, your Petitioner thought it his duty to acquaint them therewith, and therefore wrote a narrative of the whole, and sent it to Mr. Dodington, then at his seat in Dorsetshire ; from whence he was pleased to transmit it to Lord Barrington at Beckett, and in answer received the following letter from his lordship :

“ Beckett,

“ Beckett, July 4, 1752.

“ DEAR SIR,

“ YOUR letter and the paper with which
 “ it is accompanied surprize me extremely, and
 “ the more so because I understood at the gene-
 “ ral court, that Lee should have the care of all
 “ the ruptured pensioners in the hospital, and all
 “ referred to the court of directors was only,
 “ what kind of allowance he should have. Lee’s
 “ narrative is so very extraordinary that I can
 “ scarce believe it; but though one man’s testi-
 “ mony is not sufficient ground of condemna-
 “ tion without hearing both sides, I am sure it
 “ justifies and requires the strictest enquiry into
 “ a matter of this consequence to the poor
 “ wretches of the hospital, and the rather as
 “ there are many witnesses of the unwillingness
 “ shewn by Dr. Cockburne and others on this
 “ occasion.—If some business of consequence
 “ and company, some of which came a long
 “ journey and thro’ bad roads to see me, did
 “ not prevent, I would immediately go to town,
 “ that no time may be lost by my staying in the
 “ country.—I have enclosed the narrative in a
 “ letter of my own, and sent it by this post to
 “ the Admiralty. Every man there is convinced
 “ that Lee can do more for the relief of rup-
 “ tured persons than any one alive, and is very
 “ desirous therefore that he should be employ-
 “ ed, supported, and protected at the Hospital.

F

“ If

“ —If the narrative says true, their Lordships
 “ have been used with great impertinence by
 “ Mr. Jarvis and Dr. Cockburne ; but, to say the
 “ truth, I suspect that part of it more than the
 “ rest, and that it is inserted with a view to in-
 “ flame ; for Jarvis, though he is often mad, is
 “ a madman of the civil and gentle kind, AND
 “ COCKBURNE *, LIKE MOST OF HIS COUNTRY-
 “ MEN, IS AS ABJECT TO THOSE ABOVE HIM AS
 “ HE IS INSOLENT TO THOSE BELOW HIM. Be-
 “ sides, if I am not mistaken, the Admiralty
 “ can turn him out at pleasure ; a consideration
 “ which, I am persuaded, no resentment or
 “ passion could make him forget.—Be that
 “ as it may, I am sure the board would sooner
 “ forgive any disrespect to themselves, than the
 “ least attempt to stifle so valuable a discovery,
 “ and deprive the pensioners of the comfort
 “ they must receive from it.—I believe I am
 “ naturally somewhat persevering, and find
 “ that my obstinacy increases with the doctor’s.
 “ —I think, therefore, I shall not forget or
 “ neglect this matter, and I hope the issue will
 “ be such as you approve.

“ I am, with the most affectionate respect,

“ DEAR SIR,

“ Your most faithful humble Servant,

“ BARRINGTON.

* This gentleman was a native of Scotland.

“ I will

“ I will not despair of having the honour to
 “ see you here this summer. From Ham-
 “ mersmith to Beckett is no more than ten
 “ hours work; the roads very good; the
 “ country you pass through very fine,
 “ and the roads admirably well served.
 “ The road is through Maidenhead, Net-
 “ tlebed, Abington, and Farrington.

“ I send herewith an extract of the material
 “ part of my letter to the Admiralty, that in
 “ case I have omitted any thing, or put the af-
 “ fair on a wrong footing, you may (and I
 “ beg you will) instruct me.

“ Extract of a LETTER to the ADMIRALTY.

“ IF the narrative says true, the directors
 “ seem to have totally misunderstood the order
 “ of the general court, where it was absolutely
 “ determined, and for the best reasons, that
 “ Lee should have the care of all the ruptured
 “ patients; and no more was left to the di-
 “ rectors than to report their opinion, what
 “ kind of allowance should be made him, as
 “ well for those who were cured, wearing ban-
 “ dages, as for those who could venture to
 “ leave them off.—After what Mr. Villiers,
 “ myself, nay even Dr. Cockburne, saw and
 “ signed; after the doctor’s public acknow-
 “ ledgment,

“ ledgment, “ that Lee can do more for the re-
 “ lief of ruptured pensioners than any man
 “ living ;” after the astonishing cures per-
 “ formed on the old pensioners of Chelsea-Hof-
 “ pital, and Lee’s establishment there as rup-
 “ ture-surgeon, the general court could never
 “ refer to the directors, whether he should be
 “ trusted with the remaining ruptured pen-
 “ sioners or not.—I am persuaded the next ge-
 “ neral court will set all this matter right ; and
 “ that the Admiralty will not suffer their good
 “ intentions to be baffled, or deliver the poor
 “ wretches they have sent to the Hospital into
 “ the hands of Dr. Cockburne, Mr. Rider, and
 “ the truss-maker.—I hope the next general
 “ court will likewise settle Lee’s allowance, for I
 “ plainly see the directors will settle nothing.—
 “ I desire to know when the next general court
 “ will be held, and if possible I will come to it,
 “ though I should have no other business in
 “ town.”

After this there was a great number of the pensioners from both the Royal Hospitals, who had been cured by your Petitioner, examined by Lord Barrington and other noblemen, at the Right Hon. George Dodington’s; concerning which some of the most audacious falsehoods being propagated, Mr. Dodington sent the following letter to Sir John Ligonier.

“ October

“ October 17, 1752.

“ DEAR SIR,

“ I BEG the favour of you to hear the men
“ and the woman that Mr. Lee brings to your
“ door.

“ This matter is pushed to so audacious a de-
“ gree, that I think no government ever did
“ suffer, and no private man that is applied to
“ can sit still and overlook. For God's sake
“ let the truth, which lies in so short a com-
“ pass, and is so flagrantly attacked, appear to
“ mankind; and let them that are so daring to
“ endeavour to hunt it out of the world be ex-
“ posed and punished. For my part, I care
“ not where it falls. Truth, and the benefit
“ of my fellow-creatures (and particularly of
“ those who deserve so well of mankind as the
“ army and fleet) has been, is, and shall be
“ the only motive that engages me to concern
“ myself about it,

“ I am, with the most affectionate respect,

“ DEAR SIR,

“ Your most faithful humble servant,

“ GEORGE DODINGTON.”

From this time your Petitioner was employed
at Greenwich-Hospital, until the twenty-ninth
day.

day of January, 1754, when a general court was held, and the pensioners examined by Lord Barrington in the presence of the whole court. In consequence of which the following paragraph appeared in the daily papers.

“ ON Tuesday last was held a general court
 “ of the governors of Greenwich-Hospital, at
 “ the Admiralty-Office, when the following
 “ pensioners, who had been under the care of
 “ Mr. Lee for the cure of their ruptures, attended, and were examined in the court by
 “ the several surgeons belonging to his majesty’s yards; when their Lordships and the
 “ rest of the gentlemen unanimously expressed
 “ an entire satisfaction in Mr. Lee’s conduct,
 “ and were pleased to continue him surgeon to
 “ the said Hospital.

“ A discovery greatly beneficial to mankind;
 “ and the prudent and candid enquiry into the
 “ merits of it, by the noble personages at the
 “ head of this Board, is a laudable instance of
 “ their love of justice, and regard for the public welfare.”

The underwritten is a list of the names, ages, how long ruptured, and the state of each man, at the examination on Tuesday, the twenty-ninth, before the general court.

Exa-

Examined and inspected, without bandages.

	aged	ruptured
Philip Short,	63 years,	11 years.
Edward Woodford,	50	2 years.
Tho. Hufsey,	63	2 years.
Tho. Kent,	71	10 years.
Tho. Woodbridge,	50	7 years.
William Price,	42	11 years.
Tho. Wright,	56	30 years.
William Donalson,	71	13 years.
Abraham Hughes,	61	1 year.
Robert Williams,	60	3 years.
Henry Nickols,	74	4 years.
George Dicks,	82	9 years.
Isaac Burleigh,	50	4 years.
Richard Taylor,	76	20 years.
Tho. Fathers,	73	5 years.
Edward Popham,	50	27 years.
John Cole,	39	28 years.
William Law,	61	1 year.
Tho. Minchin,	50	6 years.
Tho. Pickhaver,	54	9 years.
Tho. Robinson,	75	2 years.
Francis Mitchell,	55	2 years.
William Lee,	70	2 years.
William Oneal,	56	12 years.
William Pettiford,	69	20 years.
John Goff,	61	21 years.
John Harris,	73	6 years.

John

	aged	ruptured
John Dixson,	70 years,	12 years.
William Leaf,	70	6 years.
William Lawrence,	76	11 years.
Nicholas Shott,	64	16 years.
George Abrathat,	60	4 years.

In Mr. Lee's ward, and a forward state of cure.

Samuel Aspin,	73	46 years.
John Bower,	61	4 years.
Charles Harley,	61	10 years.
Nathaniel Gardner,	68	20 years.
John Bell,	48	7 years.
James Rudford,	69	47 years.
Humphry Turner,	76	1 year.
Tho. Daniel,	63	8 years.
William Scott,	60	12 years.
Michael Surcen,	67	24 years.
Tho. Wellstead,	79	26 years.
James Gauffich,	62	10 years.

After this, Lord Barrington, fully convinced of your Petitioner's abilities, was pleased to write some account of these transactions; for which, and his NATIONAL REFLECTION ON DR. COCKBURN AS A SCOTCHMAN, some of the faculty were so much exasperated, that, in a pamphlet soon after published, the following most scandalous paragraph was inserted.

“ THE

“ THE Public has been appealed to so
 “ often already, in relation to the transactions
 “ between Mr. Ranby, serjeant-surgeon to his
 “ majesty, and Mr. Lee, that a repetition of
 “ them, without the plea of new matter hav-
 “ ing intervened, must have been deemed su-
 “ perfluous, if not troublesome ; nor is it worth
 “ while to lay hold of this, or any other oppor-
 “ tunity, to take particular notice of the ink and
 “ paper that was wasted in the composition of a
 “ certain manuscript upon this subject, which
 “ was secretly handed about for some time ; and,
 “ like the whistle in children’s play, was hunted
 “ backwards and forwards from one great man’s
 “ pocket to another. It was indeed declared, by
 “ the Right Hon. and learned author, to have
 “ been written in order to perpetuate to latest
 “ posterity his convincing testimony of the great
 “ cures performed by Mr. Lee, of which he
 “ himself, it seems, had ocular demonstrative
 “ proofs, and of which he was pleased to think
 “ himself as competent a judge as any surgeon
 “ whatever.—This MUSHROOM BRAT of too
 “ lively imagination, vanished away like a ghost
 “ on a sudden ; and, far from maintaining its
 “ pretensions to almost immortality, was ashamed
 “ to shew its face in open day-light, and there-
 “ fore perhaps scarce deserved even this tran-
 “ sient animadversion.”

But this not answering the wicked intentions of your Petitioner's most inveterate enemies, no diligence was spared, no art left unpractised; every ear of quality was besieged, every toilet haunted, and the mistress of it alarmed with some dreadful account of your Petitioner; while their physical emissaries were instructed to roar out in every coffee-house, "impostor—bribery—quackery," &c. For which defamation an action being advised, Mr. Dodington wrote the following letter to counsellor Evans.

"DEAR NEIGHBOUR,

"I THINK Mr. Lee has been very ill
 "used by the gentlemen of the profession.—I
 "beg you would hear him, and if you cannot
 "assist him personally, you would put him into
 "the most effectual method to prevent truth
 "being trampled upon by the most dangerous,
 "determined cabal that ever was.

"DEAR NEIGHBOUR,

"Yours sincerely,

"GEORGE DODINGTON."

In consequence of this, your Petitioner's adversaries were tried (as mentioned in the former part of this Memorial) and fined by verdict in your Majesty's court of Common-Pleas; where Lord Barrington attended, and gave evidence in support of his abilities. After which, his Lordship was present at the examination on the 15th
 of

of December, 1757 ; but while Lord Halifax was signing the certificate, he said he was in a very great hurry, and immediately went out of the room, but if it was brought to him the next day at the War-Office he would sign it.— Your Memorialist, therefore, waited upon him at the time appointed ; when his Lordship said he did not chuse to sign any thing about application to government, but if it was transcribed, and such words left out, he would sign it with all his heart.

Thus finding his Lordship so ready to certify the good done, and so backward to lend his assistance for the relief of other poor soldiers, your Petitioner thanked him for his good intentions, but never troubled him after on that account. But whether that was such a crying sin as never to be forgiven, or his Lordship's reason for not thinking proper to advise your Majesty to allow what under your own royal hand you have been graciously pleased to grant, must, with all humility, be submitted to your royal consideration, and that of the impartial public.

However, Lord Barrington having pawned his honour as to your Petitioner's abilities, he thinks it his duty most humbly to represent,

That on the 27th of July, 1757, he received the following letter from his Lordship :

G 2

“ SIR,

" SIR,

" THE bearer, Abraham, is a soldier in
" my brother colonel Barrington's company of
" the guards. For your honour and mine, pray
" cure him of his rupture; I know you can,

" And am

" Your most obedient, humble Servant,

" BARRINGTON."

This Abraham was one of the men examined by Lord Halifax, Lord Ligonier, Lord Barrington, &c. on the 15th of December, 1757, and afterwards did his duty in Germany during the last war.

Robert Oxlade, mentioned in Mr. Dodington's letter to Sir John Ligonier, on the 22d of April, 1752, was also cured; did his duty in Germany during all the last war, without any the least return of his complaint; and now continues perfectly well.

James Winwood, aged forty, and ruptured twenty years; was examined by Lord Halifax, Lord Ligonier, Lord Barrington, &c. on the 15th of December, 1757; then certified to be fit to be returned into his Majesty's service; afterwards did his duty in Germany during all the last war; and now continues perfectly well.

Thomas Hall, of the 112th regiment, was cured in the year 1762; afterwards constantly did his duty in the regiment; and is now perfectly well.

John

John Williams, of the first troop of horse-guards, was cured in the year 1759; has done his duty ever since that time, without any the least return of his disorder, and is now serving in the troop.

But as it may seem somewhat singular, that these few instances alone are mentioned, your Memorialist most humbly represents, that the reason is, because the four last-mentioned attended at the trial against Lord Ligonier, to have proved their welfare, had there been any the least occasion; and as some proved they were lately cured, and others that they were then under your Petitioner's care, the whole of this Memorial (in which there is a voucher for every thing asserted) amounts to this single fact,

That your Petitioner still remains unpaid, because Lord Barrington does not think proper to advise your Majesty to allow the sum agreed for, or even what under your own royal hand, for a valuable consideration, you have been graciously pleased to grant.

But if an individual, for the determined ideas of any man, is to be thus injured, and the authority of a commander in chief so over-ruled, even by his own secretary, poor security indeed will all persons hereafter have who may make any agreement (though under the royal sanction) to serve the army on the principles of Public Faith. In

In your Majesty's last speech to both houses of parliament, you was graciously pleased to declare, " THAT IT WAS YOUR FIXED PURPOSE
 " TO PRESERVE THE GENERAL TRANQUILITY,
 " MAINTAINING AT THE SAME TIME THE HO-
 " NOUR OF YOUR CROWN, TOGETHER WITH
 " THE JUST RIGHTS AND INTEREST OF YOUR
 " PEOPLE.

With all submission to your Majesty, your Petitioner is one of those people, and thinks his just right and interest herein materially concerned.

As such, your Majesty having declared, when applied to by Lord Granby on this account, *that you could give no directions about an affair that you did not rightly understand*, he most humbly hopes to stand excused, both by your Majesty and all mankind, for thus presuming, with equal humility and free-born plainness, to present this long, true, and circumstantial Memorial at your royal feet; and though the sum agreed for cannot be recovered at common law, yet,

As Public Faith and common justice are beyond all law;

As, in consequence of admitting soldiers to the Hospital, all meetings of the subscribers dropped, by which your Petitioner, in the first instance, for his good intention to serve the army, lost a sum at least adequate to what he
 ought

ought to receive in consequence of the bargain made ;

As the agreement was three hundred pounds a-year for life, and your Petitioner, on that account alone, took a long lease of the Hospital upon himself, instead of the subscribers, is now obliged, and for years to come must, pay out of his own pocket all expences attending it ;

As your Majesty, or your Royal Grandfather, certified under your own hands the great benefit that has arisen to the public and the service by soldiers being returned cured to the army in the years 1758, 1759, 1760, 1761, 1762, 1763, 1764, and 1765 ;

As your Majesty has also, under your own hand, been graciously pleased to say that you think the allowance of three hundred pounds a-year reasonable, and that you grant your Petitioner that sum in consideration and on condition of his admitting to the Hospital all such ruptured soldiers as should from time to time be sent thither ; and,

As, in consequence of such your royal undertaking, soldiers were admitted to the end of the year 1769, and your Petitioner paid no longer than the year 1765, though the Hospital is still kept open for the reception of all such as may be sent thither ; and,

As your Majesty has also, under your own hand, been graciously pleased to say that you
approve

approve of the proposal made, and Lord Ligonier, as your commander in chief, has certified to all and every your Majesty's secretary at war for the time being, that the proposal was three hundred pounds a-year for life, and that, in justice to your Petitioner, he must say your Majesty granted him that sum;

He humbly prays that,

For the Honour of the Crown,

In support of the authority of a Commander in Chief, Public Faith, Common Justice, and the welfare of poor Soldiers, so well deserving of Mankind,

Your Majesty, out of your great humanity and well-known love of justice, will be graciously pleased to order the sum so agreed for to be paid, or that your Petitioner shall receive such other relief as to your Majesty shall seem meet.

SAMUEL LEE.

Arundel-Street.

January 16,

1771.